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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

INDIGENOUS ENVIRONMENTAL)
NETWORK and NORTH COAST RIVERS)
ALLIANCE,)

Plaintiffs,
vs.)

PRESIDENT DONALD J. TRUMP,)
UNITED STATES DEPARTMENT OF)
STATE; MICHAEL R. POMPEO, in his)
official capacity as U.S. Secretary of State;)
UNITED STATES ARMY CORPS OF)
ENGINEERS; LT. GENERAL TODD T.)
SEMONITE, Commanding General and)
Chief of Engineers; UNITED STATES)
FISH AND WILDLIFE SERVICE, a federal)
agency; GREG SHEEHAN, in his official)

Civ. No. CV 19-28-GF-BMM

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION
FOR PRELIMINARY
INJUNCTION**

**Hearing:
Time:**

Judge: Hon. Brian M. Morris

capacity as Acting Director of the U.S. Fish)
and Wildlife Service; UNITED STATES)
BUREAU OF LAND MANAGEMENT,)
and DAVID BERNHARDT, in his official)
capacity as Acting U.S. Secretary of the)
Interior,)

Defendants,)

TRANSCANADA KEYSTONE PIPELINE,)
LP, a Delaware limited partnership, and TC)
ENERGY CORPORATION, a Canadian)
Public Company,)

Defendant-Intervenors.)

TO THE ABOVE-ENTITLED COURT AND TO ALL PARTIES HEREIN:

PLEASE TAKE NOTICE that as soon as this matter may be heard, proper notice having been given, in the courtroom of the Honorable Brian M. Morris of the United States District Court for the District of Montana, Great Falls Division, plaintiffs Indigenous Environmental Network and North Coast Rivers Alliance will move the Court for a preliminary injunction (1) staying all approvals issued by the Federal Defendants allowing construction of the Keystone XL Pipeline System (“Keystone”), and (2) enjoining construction of Keystone and preconstruction activities by Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (“TC Energy”) (collectively with the Federal Defendants, “defendants”) pending this Court’s adjudication of the merits of this action. The Federal Defendants and TC Energy have been contacted to

ascertain whether they object to the motion. Both indicated they intend to object to the motion.

Plaintiffs' Motion for a Preliminary Injunction is made on the grounds that (1) plaintiffs are likely to prevail on their claims under Article IV, section 3, clause 2 (the "Property Clause") and Article 1, section 8, clause 3 (the "Commerce Clause") of the United States Constitution, and Executive Order 13337 (which remained in effect at the time President Trump issued his Presidential Permit on March 29, 2019); (2) defendants threaten immediate and irreparable harm to plaintiffs' and the public's interests; (3) the balance of equities tips sharply in plaintiffs' favor; and (4) an injunction is in the public interest.

This Motion for Preliminary Injunction is based on this Notice, the accompanying Memorandum of Points and Authorities, and the supporting declarations of Joye Braun, Angeline Cheek, Elizabeth Lone Eagle, Frank Egger, Tom B.K. Goldtooth, Kathleen Meyer, LaVae High Elk Red Horse, Kandi White, Bill Whitehead and Stephan C. Volker filed herewith, along with such oral argument as may be heard by this Court, and any other files or records in this proceeding.

Dated: July 10, 2019

Respectfully submitted,

/s/ Stephan C. Volker
STEPHAN C. VOLKER
Attorney for Plaintiffs
INDIGENOUS ENVIRONMENTAL
NETWORK AND NORTH COAST
RIVERS ALLIANCE